

## **REMARKS**

### **Status of the Claims**

Claims 27-29 and 31 are pending and rejected. Claim 27 has been amended to correct informalities in the claim language and to more clearly define the claimed subject matter.

### **Objection to the Specification**

The Examiner objected to the abstract because it should include the steps of the process. Applicants respectfully submit that the amendments made to the abstract overcome this objection.

### **Rejections under 35 U.S.C. § 112**

In the Office Action dated May 30, 2007, Claims 27 – 29 and 31 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants traverse these rejections for at least the following reasons.

Initially, Applicants respectfully note that the finality of the outstanding Final Official Action is improper and premature. In this regard, the Final Official Action indicates, at page 3, that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action... [a]ccordingly, **THIS ACTION IS MADE FINAL**". However, the rejection under 35 U.S.C. § 112, first paragraph with regard to claims 27-29 and 31 is a new ground of rejection that is not necessitated by applicants' amendment of the claims.

As can be clearly seen by reference to the text of the original claims, each of the terms now considered to provide a basis for the rejection under 35 U.S.C. § 112, first paragraph was previously present in the claims and thus could clearly have been previously rejected under 35 U.S.C. § 112, first paragraph. More specifically, in rejecting Claims 27-29 and 31 in the above-identified Office Action, the Examiner asserts that the disclosure fails to provide support for "a

secondary molding step of filling the molding die with resin,” stating the molding die 61c is not used the molding die 61a and two different dies are used. In the previous response dated March 6, 2007, Applicants did not amend the claim with respect to “a secondary molding step of filling *the molding die* with resin” (emphasis added).

However, the previous Office Actions contained no rejection under 35 U.S.C. §112, first paragraph. Accordingly, finality of the rejection is premature, and the finality of this Office Action dated May 30, 2007 should be withdrawn. Please see MPEP §706.07(a) which states “[u]nder present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is [not] necessitated by applicant’s amendment of the claims.” Thus Applicants respectfully request withdrawal of the finality of the outstanding Official Action.

With respect to the rejection under 35 U.S.C. §112, first paragraph of Claims 27-29 and 31, Applicants respectfully submit that the amendments made to Claim 27 overcome this rejection. Therefore, Applicants respectfully request that the Examiner withdraw the rejection of Claim 27. Since Claims 28-29 and 31 depend from Claim 27, it is submitted that these claims are also allowable.

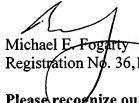
**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty  
Registration No. 36,139

**Please recognize our Customer No. 53080  
as our correspondence address.**

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:TS:lcb  
Facsimile: 202.756.8087  
**Date: August 8, 2007**